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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NATURAL SELECTION FOODS LLC)
d/b/a EARTHBOUND FARM, a)
California limited liability company,)
Plaintiff,)
vs.)
FURY, INC. d/b/a CITY PRODUCE a)
California corporation, ROBERT GARSHA,)
an individual,)
Defendants.)

Case No. C 07 02886 RS

**CERTIFICATION OF INTERESTED
ENTITIES OR PERSONS**

[Local Rule 3-16 and Federal Rule 7.1]

Pursuant to Civil L.R. 3-16 and Fed. Rule Civ. Pro. 7.1, the undersigned certifies that there are no corporate parents, affiliates and/or subsidiaries of answering defendants which are publicly held, and the following listed persons, associations of persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceedings, or (ii) have a non-financial interest in that subject matter or in a party that could be substantially affected by the outcome of this proceeding:

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- 1 1. Named parties;
- 2 2. Certain presently unknown individuals or entities who may ultimately be determined to
- 3 be the beneficiaries of the statutory trust established under the Perishable Agricultural
- 4 Commodities Act ("PACA"), 7 U.S.C. § 499a, *et seq.*, in the action presently pending in the
- 5 United States District Court, Southern District of New York, in Case No. 07-CV898 (RCC)
- 6 entitled "GER-NIS International, LLC vs. FJB, Inc., dba Empire Produce and Robert T. Garsha"
- 7 in which defendant Robert Garsha is one of the principals of defendant Empire Produce in that
- 8 pending action; and who by virtue of their PACA Trust beneficiary status may be entitled to a
- 9 prorata share of any monies recovered by plaintiff, Natural Selection Foods, LLC in this action.
- 10 The identities of these individuals or entities when ascertained will be filed with the Court.

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12 Dated: July 2, 2007

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/s/ Joseph Choate, Jr.
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